# REMARKS

This application was filed with a claim of foreign priority under 35 U.S.C. §119 based on Japanese application number 2000-216072 filed July 17, 2000, and was accompanied with a certified copy of that application. Applicants respectfully request the Examiner to acknowledge that claim of foreign priority and receipt of the certified copy of the priority document.

The Examiner has objected to the specification as failing to provide antecedent basis for the claimed subject matter. Specifically, the Examiner noted the recitation of "means for recording said comment", in claims 2 to 4 and 6 to 8, and the recitation of "means for displaying", in claim 5. It is respectfully submitted that the Examiner is in error. Antecedent basis is clearly provided in the specification in the description of Fig. 2 at pages 4 to 6. The seller server 10 is described as including shopping memo recording unit 16 and a shopping memo adding unit 17. The seller server 10 displays on a user terminal 30 a table, such as Table 2 at the top of page 6, which includes a memo field in which a user can enter a comment. When a comment is entered in this field, it is recorded by the shopping memo recording unit. The seller server 10 displays on the user terminal 30 this table including the user's comment. In addition, it will be noted in Table 2 at the top of page 6 that there is a field for a comment from the seller, as recited in claim 5.

To better make clear the antecedent basis for the claim recitations, the claims have been amended to recite, for example, the shopping memo recording unit which records the user's comments and to recite that the seller server displays on the user terminal the comment entered by the user and, in the case of claim 5, a comment from the seller for commodity candidates for purchase.

Claims 1 to 6 and 9 to 14 appear in the application. Claims 9 to 14 stand withdrawn from consideration as being drawn to an nonelected invention. Applicants expressly reserve the right to file a divisional application for the purpose of prosecuting claims 9 to 14. Claims 7 and 8 have been canceled by this amendment, and claims 1 to 6 have been amended.

The disclosed and claimed invention is directed to a commodity selling system for performing online shopping through a network such as the Internet. The commodity selling system according to the claimed invention comprises user terminals, one of which is shown at the reference numeral 20 in Figure 2. Each such user terminal used by a user for connection to a seller server 10 via a network 20, such as the Internet.

Applicants have acknowledged that the basic arrangement of user terminal, network and seller server are old in their description on pages 1 and 2 of the specification of the prior art as shown in Figure 1. The process is familiar to those who have engaged in on-line shopping where, after a series of purchase candidates have been selected, the user proceeds to "check-out" where a table, like Table 1 shown in the middle of page 2 of the specification, is displayed on the user terminal 30. The problem recognized and solved by the Applicants is that often the user may not, in a given shopping session, remember why a particular purchase candidate was selected rather than an alternative purchase candidate that the user had also considered.

What the claimed invention provides is an improvement to this basic on-line merchandising system which allows the user the possibility for recording a comment entered from the user terminal on each purchase candidate selected from commodities appearing on a Web page accessible from the user terminal through the network as a shopping memo at an arbitrary time. This is a convenience offered to the user by the seller server which reduces a burden on a user when the user makes a final determination of which commodity to purchase from purchase candidates.

The manner in which this is done is described on pages 7 and 8 of the specification and illustrated in Figure 3. Specifically, when the user selects a purchase candidate from the commodities, at step 104, then, at step 105, the seller server 10 stores basic information on the purchase candidate, and at step 106, displays on user terminal 30 a page on which the user can enter a comment on the selected commodity, that is, a shopping memo page. After the user enters a comment such as a characteristic of the selected purchase candidate at step 107, seller server 10 stores the entered comment as a shopping memo at step 108.

In the commodity selling system of the claimed invention, when basic information on each purchase candidate is displayed on the user terminal 30 by the seller server 10, the seller server 10 also displays on the user terminal 30 the comments entered from the user terminal and recorded as the shopping memos together with the basic information. An example of this is shown in Table 2 at the top of page 6 of the specification. Thus, a user can make a final determination of which commodity to purchase of the purchase candidates referring to the comments, and the user need not see detailed information on the purchase candidates again. As a result, it is possible to reduce a burden on the user in determining which commodity to purchase.

The foregoing explanation is in response to the Examiner's lengthy statement of the legal statement of the manner in which claim language is interpreted by the courts. A fundamental rule of claim interpretation is, as the Examiner has correctly noted, the plain and generally accepted meaning of the words in the claims with reference to the specification when necessary to understand the meaning intended by the applicant.

Claims 2 to 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection parallels the Examiner's objection to the specification, as noted above and, for the reasons noted above, the rejection is respectfully traversed. The Examiner, however, further takes the position that there is no link to associate the "means for recording said comment" to any corresponding structure in claims 2 to 4 and 6 to 8 and that there is no link to associate the "means for displaying" to any corresponding structure in claim 5.

Claims 1 to 6 have each been amended. Independent claim 1, as amended, recites that the seller server includes "a shopping memo recording unit for recording a comment entered from a user terminal on each commodity selected as a purchase candidate from commodities appearing on a Web page accessible from said user terminal through said network as a shopping memo at an arbitrary time" and "means for, when displaying basic information on said each purchase candidate on said user terminal, displaying said comment recorded as said shopping memo together with said basic information." Claim 2, which is dependent on claim 1, recites that the "seller server further includes means for

displaying to a user on a user terminal a table including a field in which to record said comment when said each purchase candidate is quoted." Claim 5, which is also dependent on claim 1, recites that the "seller server further includes means for displaying on a user terminal, when displaying said basic information is on said user terminal, a comment of a seller on said each purchase candidate together with said basic information." It is believed that the recited structure is now clear and unambiguous. For the reasons given above and the amendments made to the claims, it is believed that the rejection of the claims as being indefinite should be withdrawn.

Claims 1 to 8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0010623 A1 to McCollom et al. This rejection is respectfully traversed for the reason that McCollom et al. neither shows nor suggests the claimed invention.

In making this rejection, the Examiner states that "McCollom discloses an e-commerce system 70 with a server and user terminals 12 or 13 whereby the user attaches notes to items place in a shopping cart." The Examiner is mistaken in his understanding of the McCollom et al. reference. McCollom et al. is generally directed to an apparatus and method for publishing, distributing and redeeming coupons on a network system. A merchant server 26 provides the merchant the ability to transmit requests to create a coupon, and transmit coupon data regarding the coupon creation. A commerce server 23 receives the request to create a coupon, and receives the coupon creation data. The commerce server 23 saves the coupon data to a coupon database 24, and provides access to the coupon to customers on the network. A merchant server 26 further provides the merchant the ability to receive a request for purchasing an item, and a request for redeeming a coupon for that purchase from a consumer. The merchant server 26 verifies the coupon is a valid coupon, and allows the coupon to be redeemed in the purchase of the item if the coupon is valid. The merchant server 26 upon redemption of the coupon, updates a coupon database to record that the coupon has been redeemed by the customer.

A particular feature of the McCollom et al. system is the provision of a multi-merchant local shopping cart and the provision of shopping lists and the

possibility of attachment of notes to items in lists. It is believed that it is this last feature to which the Examiner makes reference. However, as described in paragraphs [0111] et seq., the main user interface 210 for the consumer shopper program 70, referenced in Fig. 10 at step 189, is started by the client browser 65 at step 211. The main user interface 210 provides the browse capability to the consumer. The browse capability enables the consumer to browse advertisements as illustrated in Fig. 19, the stores as illustrated in Fig. 20, shopping lists (i.e. catalogs) as illustrated in Fig. 21, lists of ideas as illustrated in Fig. 22, and lists of available coupons on the main user interface 210 with the client browser 65 at step 212. After a user makes a selection at step 212, the main user interface 210 checks to see if the user has requested to view an advertisement at step 213. If the user has requested to review an ad, the main user interface 210 proceeds to step 214 to perform the user view advertisement procedure 230 at step 214. If the user did not select to view an advertisement at step 213, the main user interface 210 checks if the user has selected interaction with the wallet procedure 250 at step 215. If the user has requested a procedure 250 at step 215, the main user interface 210 performs the wallet procedure 250 at step 216. When the user has not selected the wallet procedure 250 at step 215, the main user interface 210 checks if the user has selected interaction with the purchase list procedure 270 at step 217. If the user has selected interaction with the purchase lists, the main user interface 210 performs the purchase list procedure 270 at step 218. If the consumer has not selected interaction with the purchase list procedure 270 at step 217, the main user interface 210 checks if the shopping cart procedure 290 has been selected at 221. If the shopping cart procedure 290 has been selected at step 221, the main user interface 210 performs the user shopping cart procedure 290 at step 222. If the user has not selected the shopping cart procedure 290 at step 221, the main user interface 210 checks if the user has selected a buy procedure 310 at step 223. If the user has selected a buy procedure 310 at step 223, the main user interface performs the user buy procedure 310 at step 224. If the user has not selected the buy procedure 310 at step 223, the main user interface checks if the user has selected the exit function at step 228. When the user has not selected the exit function at step 228, then the main user interface returns to step 212 to continue

the browsing function within the consumer shopper program 70. If the user has requested to exit the consumer shopper program 70 at step 228, the main user interface 210 exits the consumer shopper program 70 and runs the standard browser interface at step 229.

Note that, as described in paragraph [0161] and shown in Fig. 22, a list will contain a checkbox 372, note 373, location 374, cost 375, and additional notes 376. Checkbox 372 indicates whether item has been purchased. This serves as a way to keep a purchase log within this area. Checking this box may trigger a move of this item to the Purchase Log. Note 373 are the shoppers own brief note regarding this item. This field allows flexibility, e.g. for recording items seen at a physical store. Location 374 is a URL where the item was found. It may also be possible to type other non-URL Location info here, in the case of a physical store. The cost 375 area is the cost of the item. Additional notes attachment 376 are provided for any additional information the shopper wants to retain. It is possible to drag and drop Web pages to this. The notes attachment supports clipboard cut and paste.

What McCollom et al. describe is a far more complex system than that which is disclosed and claimed, and the "notes" in the McCollom et al. system are not used in the same way as the user comments in the claimed invention. The claimed invention contemplates a single session, single merchant shopping system in which the user views the merchant's Web page and, after considering several choices, ultimately makes a selection based on some criteria, then resumes shopping for other products, repeating the process multiple times. Each time a selection is made the seller server provides a display on the user terminal which enables the user to enter comments concerning the reason for his or her selection. When the user proceeds to "check out", a table is displayed to the user on the user terminal which includes the user's comments, as generally shown in Table 2 at the top of page 6 of the specification. In this way, the user, upon being presented a list of the selected purchase candidates in his or her shopping cart will be provided with a record of why each selection was made so that the user does not need to second guess themselves and return to the specific Web pages to confirm the basis on which the original selection was made.

To illustrate by way of example, suppose that the user wants to build a personal computer and accesses one of the many Web sites on the Internet which sells all the various components needed to build a personal computer. The user would be presented with a myriad of choices of manufacturers, models and specifications for each of a computer case, power supply, motherboard, processor, memory, hard drive(s), floppy drive, optical drive(s), video display card, audio card, keyboard, mouse, display, and various peripherals. Each of these choices may be based on various criteria including cost, preference for particular manufacturers, capacity, speed, and the like. Moreover, these choices may be interdependent, such as what motherboards support what processors according to front side bus, clock speed, internal core, etc. In situations such as this example, the user needs the ability to record comments that will provide him or her assurance that the "right" selections were made before finalizing the purchase.

In contrast, McCollom et al. provide notes that relate to different merchants, description of product, and method of payment. These notes may be part of a "wish list", but note that the information contemplated by McCollom et al. in these notes is substantially that which is generally provided in prior art systems, albeit in a multi-merchant environment. Fig. 25 illustrates the notes field of the example of the purchase property screen 400. The notes screen 410 includes a notes area 411 that indicates the type of notes to be documented. The notes includes a label 412 that indicates the textual description of the general topic of the textual notes listed in note area 413. It will be observed that in this notes field the notes are those of the seller.

Claim 1 recites "A commodity selling system for enabling a user to purchase commodities through a network". This system comprises "user terminals used, each by a user, for connection to the network" and "a seller server communicating with one or more user terminals connected to the network". The seller server includes "a shopping memo recording unit for *recording a comment entered from a user terminal on each commodity selected as a purchase candidate* from commodities appearing on a Web page accessible from said user terminal through said network *as a shopping memo* at an arbitrary time" and "means for, when displaying basic information on said each purchase candidate on said user

terminal, *displaying said comment recorded as said shopping memo together with said basic information*" (emphasis added).

Claim 2, which is dependent on claim 1, recites that the "seller server further includes means for displaying to a user on a user terminal *a table including a field in which to record said comment when said each purchase candidate is quoted*" (emphasis added).

Claim 3, which is now dependent on claim 2, recites that the "seller server further includes *a shopping memo adding unit* communicating with said shopping memo recording unit and *responsive to a user input to said field in which to record said comment* for recording said comment when said user determines which commodity to purchase" (emphasis added).

Claim 5, which is dependent on claim 1, recites that the "seller server further includes means for displaying on a user terminal, when displaying said basic information is on said user terminal, *a comment of a seller on said each purchase candidate* together with said basic information" (emphasis added).

Claim 4, which is now dependent on claim 5, recites that the "seller server further includes means for displaying to a user on a user terminal a table including a field in which to record said comment when said user has selected one of commodities seen by said user as a purchase candidate" (emphasis added).

Claim 6, which is now dependent on claim 4, recites that the "seller server further includes *a shopping memo adding unit* communicating with said shopping memo recording unit and *responsive to a user input to said field in which to record said comment* for recording said comment when said each purchase candidate is quoted" (emphasis added).

Claims 1 to 8 were additionally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,115,690 to Wong in view of the patent application publication to McCollom et al. This rejection is also respectfully traversed for the reason that the combination of Wong and McCollom et al. fail to fairly suggest the claimed invention.

In making this rejection, the Examiner qualified his rejection of the claims "as understood". It is believed that the claims as now amended coupled with the foregoing explanations should remove any doubt as to what is being claimed.

McCollom et al. has been distinguished above. As to the patent to Wong, the Examiner states only that "Wong exemplifies an e-commerce system", but notes that "Wong does not *directly* disclose taking notes on items in the shopping cart" (emphasis added). The use of the adverb "directly" is misleading, suggesting that Wong might *imply* such a disclosure where, in fact, there is no such implication in Wong. In fact, Wong discloses, in a very lengthy document, an integrated business-to-business Web commerce and business automation system. In what manner Wong "exemplifies" an e-commerce system and how that relates to the claimed invention, the Examiner does not say. It is noted that in the course of his comments, the Examiner also makes reference to U.S. Patent No. 6,223,209 to Watson, U.S. Patent No. 5,592,611 to Midgely et al., U.S. Patent No. 6,370,580 to Kriegsman, U.S. Patent No. 6,298,373 to Burns et al., U.S. Patent No. 6,219,692 to Stiles, U.S. Patent No. 5,825,884 to Zdepski et al., Chapters 17 of *How Networks Work*, Chapter 44 of *How the Internet Works*, U.S. Patent No. 6,282,517 to Wolfe et al., and U.S. Patent No. 5,590,197 to Chen et al. However, it is not clear from the Examiner's rejection whether he intends to rely on all these references in his rejection of the claims under 35 U.S.C. §103.

The Examiner is reminded of the basic considerations which apply to obviousness rejections as set out in MPEP 2141. Specifically, "When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

"(A) The claimed invention must be considered as a whole;

"(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

"(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

"(D) Reasonable expectation of success is the standard with which obviousness is determined."

In the present case, the invention is to a very specific and well defined improvement in on-line shopping over the Internet. The many references that the Examiner has cited do not, under the objective standard of Section 103 of the Patent Statute, show or suggest the claimed invention.
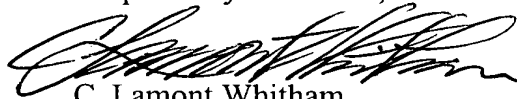
In view of the foregoing, it is respectfully requested that the application be

reconsidered, that claims 1 to 6 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

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